

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ODELL BENNETT, JR.,
Plaintiff,

v.

DRIVE FINANCIAL SERVICES, LP,
Defendant.

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CIVIL ACTION NO. H-08-1821

MEMORANDUM AND ORDER

This removed case is before the Court on the Motion to Remand on Grounds of Lack of Federal Question (“Motion to Remand”) [Doc. # 6] and Request for Expedited Decision [Doc. # 7] filed by *pro se* Plaintiff Odell Bennett, Jr. Because Plaintiff in his state court complaint alleges violations of the “Fair Credit Reporting Act,” the court has federal subject matter jurisdiction and the Motion to Remand is **denied**.


Congress allows for removal of a case from state court to federal court when a plaintiff’s complaint alleges a claim “arising under” federal law. 28 U.S.C. § 1441; *Beneficial Nat’l Bank v. Anderson*, 539 U.S. 1, 6 (2003); *Rivet v. Regions Bank of La.*, 522 U.S. 470, 472 (1998). To determine whether the claim arises under federal law, the Court examines the allegations of the complaint. *See Anderson*, 539 U.S. at 6.

In this case, Plaintiff alleges that Defendant agreed to update Plaintiff's credit report to reflect that Plaintiff's prior loan with Defendant has been paid in full, but has failed to do so. Plaintiff also alleges, *inter alia*, that Defendant improperly reported to credit reporting agencies that Plaintiff made late payments. Plaintiff filed suit against Defendant in Justice Court of Harris County, seeking \$10,000 in damages for these and other alleged violations of Texas law "as well as the Fair Credit Reporting Act." Based on the alleged violations of a federal statute, Defendant removed the lawsuit to this Court. Plaintiff has moved to remand and has requested expedited consideration.

Although Plaintiff alleges violations of Texas state laws, he includes in each of the fourteen "counts" in the complaint allegations that Defendant violated the "Fair Credit Reporting Act," which is codified at 15 U.S.C. § 1681 *et seq.*, and is a federal statute. As a result, the Court has subject matter jurisdiction over the federal claims. The Court has supplemental jurisdiction over the state law claims. *See* 28 U.S.C. § 1367. Therefore, it is hereby

ORDERED that Plaintiff's Request for Expedited Consideration [Doc. # 7] is **GRANTED** and Plaintiff's Motion to Remand [Doc. # 6] is **DENIED**.

SIGNED at Houston, Texas, this 8th day of **July, 2008**.



Nancy F. Atlas
United States District Judge